

PLANNING BOARD
Meeting Minutes
Thursday, October 11, 2018
Judge Welsh Room
6:00 P.M.

Members Present: David Abramson, John Golden, Brandon Quesnell (left at 7:01 P.M.), Ryan Campbell, Albert Carey, Jason Potter and Paul Graves.

Members Absent: None.

Staff: Jeffrey Ribeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair David Abramson called the Public Hearing to order at 6:08 P.M.

1. Proposed Amendments to the Provincetown Zoning By-Laws: Mr. Ribeiro reviewed the amendments and the Board voted on recommending them to Town Meeting.

ARTICLE 4: *There was a motion by John Golden to recommend Article 4. Jason Potter seconded. VOTE: 5-0-0.*

ARTICLE 8: *There was a motion by John Golden to recommend Article 8. Jason Potter seconded. VOTE: 5-0-0.*

ARTICLE 9: *There was a motion by John Golden to recommend Article 9. Jason Potter seconded. VOTE: 5-0-0.*

ARTICLE 10: *There was a motion by John Golden to recommend Article 10. Jason Potter seconded. VOTE: 5-0-0.*

ARTICLE 11: *There was a motion by John Golden to recommend Article 11. Jason Potter seconded. VOTE: 5-0-0.*

ARTICLE 12: *There was a motion by John Golden to recommend Article 12. Jason Potter seconded. VOTE: 5-0-0.*

2. Public Comments:
None.

3. Public Hearings:

a) **PLN 18-29** (*continued to the meeting of October 25th*)
Application by **Cape Cod Pilgrim Memorial Association** requesting Site Plan Review by Special Permit pursuant to Article 2, Section 2320, High Elevation Protection District (A) & (B), of the Zoning By-Laws for the installation of an inclined elevator (funicular) system running from its property on Bradford Street adjacent to the Bas Relief up the hill to the site of

the Pilgrim Monument and Museum located at **1 High Pole Hill Road**. David Abramson, John Golden, Jason Potter and Paul Graves sat on the case.

b) **PLN 19-04** (*continued from the meeting of September 27th*)

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, for the construction of two three-bedroom, single-family residences on the property located at **170 Bradford Street Extension**. The Board heard PLN 19-04 and 19-05 together. David Abramson, John Golden, Ryan Campbell, Albert Carey and Jason Potter sat on both cases.

c) **PLN 19-05** (*continued from the meeting of September 27th*)

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a., (1), of the Zoning By-Laws for a development consisting of the aggregate of residential units that will result in two or more residential units on the property located at **170 Bradford Street Extension**.

Presentation: Attorney Robin B. Reid and Pavel Fiodarau appeared to present the application. Attorney Reid reviewed the revised site plans pursuant to the Board's requests. She said that the black oak that was discussed at the previous hearings couldn't be saved after having been examined by Bartlett Tree Experts and whose letter stating that conclusion was submitted to the Board. The applicant was willing to plant a replacement tree approved by staff. She said that the revised plans show a shelled driveway that is 18' wide, correct spot elevations, the correct location of the septic system, noted the underground utilities and a cut sheet for new sconces that are dark sky compliant had been submitted.

Public Comment: None.

Board Discussion: The Board questioned Attorney Reid about the replacement tree for the black oak. She indicated that Sylvia Peck, an abutter, had not yet communicated with the applicant concerning her choice for a replacement tree.

There was a motion by John Golden to a Special Permit pursuant to Article 4, Sections 4015, Site Plan Review by Special Permit, a., (1), and 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Laws for the construction of two three-bedroom, single-family residences on the property located at 170 Bradford Street Extension with the conditions that the existing black oak be replaced with an equivalent tree of an appropriate species, to be approved by staff, to the northeast of the septic system and that the applicant show evidence of site control over the use of the driveway and the drainage structures at 168 Bradford Street Extension prior to the issuance of a building permit. Jason Potter seconded. VOTE: 5-0-0. Ryan Campbell will write the decision.

d) **PLN 19-06** (*request to postpone to the meeting of October 25th*)

Application by **J. Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the construction of a one-bedroom, single-family residence on the property located at **13 Willow Drive** with requested waivers pursuant to Article 4, Section 4030, Waivers, including from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, 2. and 3. and 4600, Street Trees and Article 5, Section 5331, Developmental Impact Statements. There was a request from the applicant to postpone PLN 19-06 to the Public Hearing of October 25, 2018 at 6:30 P.M. *There was a motion by John*

Golden to approve the request to postpone PLN 19-06 to the Public Hearing of October 25, 2018 at 6:30 P.M. Jason Potter seconded. VOTE: 4-0-0.

4. Work Session:

a) Pending Decisions:

PLN 18-33 (Jeff)

Application by **Curaleaf Massachusetts, Inc.** requesting a modification to the application for a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws for a change of use of a structure to a retail marijuana establishment on the property located at **170 Commercial Street**. The decision was not ready.

PLN 19-08 (Jeff)

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting to modify a previously approved Special Permit, PLN 18-20, to change the proposed surface of the driveway on the property located at **168 Bradford Street Extension**. Mr. Abramson read the decision.

There was a motion by Ryan Campbell to approve the language as written. John Golden seconded. VOTE: 4-0-0.

b) Approvals Not Required:

i. PLN 19-14

Application by **John McElwee, of Coastal Engineering Co.**, on behalf of **Kenneth Gregory**, for the endorsement of a plan believed not to require approval (ANR) to divide one parcel located at **6 Soper Street (Assessor's Map 6-2, Parcel 64)** into two lots with Lot 1 to remain part of 6 Soper Street and Lot 2 to become part of 72 Commercial Street (Assessor's Map 6-2, Parcel 63) in accordance with M.G.L. c. 41, s. 81P.

Presentation: Attorney Lester J. Murphy and John McElwee appeared to present the application. Attorney Murphy reviewed the plans.

Public Comment: None.

Board Discussion: The Board had no questions.

There was a motion by John Golden to endorse a plan believed not to require approval (ANR) to divide one parcel located at 6 Soper Street (Assessor's Map 6-2, Parcel 64) into two lots with Lot 1 to remain part of 6 Soper Street and Lot 2 to become part of 72 Commercial Street (Assessor's Map 6-2, Parcel 63) in accordance with M.G.L. c. 41, s. 81P. Paul Graves seconded. VOTE: 5-0-0.

ii. PLN 19-15

Application by **John McElwee, of Coastal Engineering Co.**, on behalf of **Jack Croucher & Robert M. McCamant**, for the endorsement of a plan believed not to require approval (ANR) to divide one parcel located at **72B Commercial Street (Assessor's Map 6-2, Parcel 62)** into two lots with Lot 1 to remain part of 72B Commercial Street and Lot 2 to become part of 72A

Commercial Street (Assessor's Map 6-2, Parcel 61) to resolve a building encroachment issue in accordance with M.G.L. c. 41, s. 81P.

Presentation: Attorney Lester J. Murphy and John McElwee appeared to present the application.

Public Comment: None.

Board Discussion: The Board had no questions.

There was a motion by Paul Graves to endorse a plan believed not to require approval (ANR) to divide one parcel located at 72B Commercial Street (Assessor's Map 6-2, Parcel 62) into two lots with Lot 1 to remain part of 72B Commercial Street and Lot 2 to become part of 72A Commercial Street (Assessor's Map 6-2, Parcel 61) to resolve a building encroachment issue in accordance with M.G.L. c. 41, s. 81P. Ryan Campbell seconded.

VOTE: 5-0-0.

c) **Discussion of planting list and categories** (placeholder).

d) **Discussion regarding Outer Cape Health plantings and compliance with the approved plan.**

e) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder).

f) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and September 27, 2018.**

September 27, 2018: *There was a motion by Jason Potter to approve the minutes as written. John Golden seconded. VOTE: 5-0-0.*

g) **Any other business that may properly come before the Board:** None.

There was a motion by John Golden to adjourn the Planning Board meeting at 7:30 P.M. Jason Potter seconded. VOTE: 4-0-0.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
David Abramson, Chair